

App.No: 180461	Decision Due Date: 29 June 2018	Ward: Devonshire
Officer: Anna Clare	Site visit date: 08 June 2018	Type: Planning Permission
Site Notice(s) Expiry date: 31 May 2018		
Neighbour Con Expiry: 31 May 2018		
Press Notice(s): n/a		
Over 8/13 week reason: n/a		
Location: Land opposite Eastbourne Skate Park, Seafront, Eastbourne		
Proposal: Installation of a temporary metal storage container for use as storage for jet skis and ancillary equipment for a Jet Ski Hire service.		
Applicant: Mr Rupert Ashford		
Recommendation: Grant Temporary Planning Permission		

Executive Summary:

For the reasons set out in this report the development of the site is in principle is inappropriate given the location outside of the Developed Coast Zone and there are other areas within the Developed Zone which could accommodate the use but do not appear to have been considered.

The visual appearance of the proposed shipping container even when considered a temporary structure would be detrimental to the appearance of the area and would create an unattractive environment and is therefore contrary to policy.

Relevant Planning Policies:

National Planning Policy Framework 2012

- 4. Promoting sustainable transport
- 7. Requiring good design
- 8. Promoting healthy communities
- 10. Meeting the challenge of climate change, flooding and coastal change
- 11. Conserving and enhancing the natural environment

Core Strategy Local Plan 2013 Policies

- B1 (Spatial Development Strategy and Distribution)
- B2 (Creating Sustainable Neighbourhoods)

C3 (Seaside Neighbourhood Policy)
D10a (Design)

Eastbourne Borough Plan Saved Policies 2007

NE16 (Development within 250m of former landfill site)

NE20 (Sites of Nature Conservation Importance)

NE27 (Developed/Partly Developed Coast)

NE28 (Environmental Amenity)

T09 (Commercial Uses of Seafront)

UHT1 (Design of new development)

UHT4 (Visual Amenity)

Site Description:

The site refers to an existing concrete plinth on the seafront to the south of the existing Sovereign Centre Skate Park site.

The site is situated on the seafront shingle. The only authorised access to the site would be on foot along the pedestrian promenade.

The nearest residential properties to the site is Monarch House which is situated to the west.

Relevant Planning History:

No record of planning history for the site. The applicant states there was a previous application for a kiosk on this plinth but no record of this can be found.

Proposed development:

The applicant proposes to install a storage container on the existing concrete plinth 12m in length, 2.9m in height, and 2.5m wide to be painted a pale sea blue colour.

A business plan has been submitted with the application which outlines the idea behind the proposal.

The storage unit would be used to house 4 jet skis of which 3 are for hire on a Safari Basis, therefore customers would only be allowed to go out with an instructor guide. A winch would be provided for the jet skis to access the water. The applicant wishes to operate the business between the hours of 10am and 6pm on any day but would be limited to the summer season generally May to September.

The applicant states that the longer term idea would be to create a permanent building to house a jet ski 'club' with amenities and where members who currently use their own jet skis off Eastbourne would be encouraged to meet and

launch from this one beach. The idea being that this would be more control over the use of jet skis.

The applicant stipulates though that this is only when the permanent 'club' is operational this proposal is for the temporary storage unit for the hire business only.

Consultations:

EBC Estates Team

We have no objections in principle to the proposed location of a hut on an existing empty concrete base as proposed to us.

I do have some health and safety concerns about the proposal in terms of separation of bathers, swimmers and other users of the beach and sea whilst jet skis are in the water and/or being transported to and from the water. We have already had issues raised further down the beach at Fisherman's Green about these issues with existing boats coming back and forth. Although we could agree with the proposer where they could jet ski, we can't monitor all the comings and goings in the sea and on the beach.

That said, I do think that jet skis would be a good tourism draw - I just don't feel that the existing shore line is set up for much more additional sea activity until further thoughts are given to development of the eastern beach and properly designating non-bathing areas.

Specialist Advisor (Planning Policy)

This application proposes to install a temporary metal storage container on the beach front, for use of storing jet skis and ancillary equipment for a Jet Ski Hire service. It also proposes to install an electric winch. The site is located in the 'Seaside Neighbourhood' as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

Policy C3 of the Core Strategy explains that the vision for the 'Seaside Neighbourhood' is; "*Seaside will experience reduced levels of deprivation and enhance its level of sustainability, whilst reversing the decline in commercial and business activity, playing an important role in the delivery of housing, expanding its contribution to tourism and conserving its historic areas*". This will be promoted by a number of things including improving the quality of the public realm.

The Borough Plan identified three coastline zones; undeveloped coast, developed coast and part developed coast. It states that in order to reconcile development requirements with other considerations it is appropriate to resist development outside the developed coast zone. This site location sits within the 'part developed coastline'.

Saved Policy NE27 of the Borough Plan (Developed/Partly Developed Coast) states that development will not be permitted in 'part developed coastline' unless there are overriding factors which overcome countryside, landscape and nature conservation policies in these areas. It is considered that if the proposal was granted, it would have a detrimental impact on the environmental factors outlined in Policy NE28 (Environmental Amenity), in this area. Therefore, this application does not comply with policy and is recommended for refusal.

CIL

Given the proposed use for storage and the size of the unit the proposal would not be liable for a CIL contribution.

Neighbour Representations:

8 Objections have been received, including 6 from residents of Monarch House, and cover the following points:

- Increased noise pollution, noise travels long distances unimpeded across water
- This is a quiet, informal area
- Smell impacts from fumes
- Impact on environment
- Impact on the vegetative shingle
- Danger to the public/swimmers
- The harbour has existing berthing for jet skies
- This would be another blot on the seafront
- Increased parking of vehicles
- Impact of cars on the promenade to reach the site
- Evening use is excessive
- Even on 'safari' the instructors have little control.
- The appearance of the shipping container
- Impact on wildlife
- Over commercialisation of previously unspoilt beach

One comment in support of the application has been received stating the following:

The town needs this to revitalize it and bring something exciting to this end of the seafront, more activities are needed along the seafront including places to eat and drink

Appraisal:

Principle of development:

Saved policy NE27 of the Borough Plan 2007 states that proposals for development which require a coastal location will be directed towards the Developed Coast Zone. Proposals for development within the Partly Developed Coast Zone will not be permitted unless there are overriding factors which

overcome countryside, landscape and nature conservation policies in these areas, although some minor developments ancillary to recreational uses may be permitted.

The site is situated within the designated Partly Developed Coast Zone. The Developed Coast Zone runs up to Fort Fun; with the Partially Developed Coast Zone running between Fort Fun and Langney Point. It is accepted there are other small buildings along the seafront in close proximity to this site which have been in situ for some time, however I can find no consent having been granted for these.

In addition it is acknowledged that given the nature of the use other locations within the developed seafront zone may have an impact upon other beach users/bathers.

It is acknowledged that there may well be development potential on the Sovereign Centre Sports Centre/car park site and until such time that this potential has been explored it is considered that the use of this site for a permanent basis may be premature and may have adverse impacts.

A temporary use/development could be acceptable whilst the plan for the re-development of the Sovereign centre is finalised subject to all other concerns being overcome.

It is acknowledged that there remains a desire to support initiatives that help foster the wider tourist economy and the proposed location/use would encourage footfall within this part of the seafront which in turn may help to sustain other business in the locality.

Principle of the use is considered appropriate on a temporary basis.

Impact of proposed development on amenity of adjoining occupiers and surrounding area:

The nearest residential properties to the site are those of Monarch House a purpose built block of flats. Objections have been received from residents of Monarch House on the impacts on their amenity from the proposals.

Whilst the structure itself will have limited impacts on surrounding residential properties the use will have additional noise impacts and impacts from the increased activity. The skate park was removed over a year ago but is planned to be replaced. Fort Fun is also situated in close proximity to Monarch House but generally this is a quiet and peaceful area of the beachfront.

It is considered that the general proposed use will be detrimental to occupiers of Monarch House from increased activity and noise impacts from the Jet Skis themselves.

Core Strategy Policy B2 states that proposed development will be required to protect the residential and environmental amenity of existing and future residents. One of the Core Principles of the NPPF 2012 is to always seek a high quality design and a good standard of amenity for all existing and future occupants of land and buildings. In this regard a temporary use would allow for the business to be tested and the full impacts of the scheme in terms of visual impacts to be assessed.

Whilst access is restricted on the promenade there is actually no barrier stopping vehicular access. Whilst it is appreciated that the current application is for the storage of the 4 jet skis this will likely encourage other users to use this beach area for the same purpose, the location is totally inappropriate in terms of access and will result in unauthorised access by vehicles on the promenade to the detriment of pedestrians and cyclists. This issue/activity can be controlled by condition.

Design issues:

Whilst there are a number of small units dotted along the seafront including metal and brick structures, the location of the proposed shipping contained in considered less than satisfactory. The visual appearance of such, even painted will have an impact upon the short and long range views.

Saved policy UHT1 new development should harmonise with the appearance and character of the local environment respecting the local distinctiveness, and shall be appropriate in scale, form and materials.

Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

Core Strategy Policy B2 states that development will be required to create an attractive, safe and clean built environment with a sense of place that is distinctive and reflects local character. Policy D10a states that development will be expected to make a positive contribution to the overall appearance of the area.

It is considered that a suite of conditions including a temporary consent would help to mitigate these impacts

Impacts on highway network or access:

The applicant states users will be encouraged to park on street, no surveys have been carried out to suggest that the on street parking could accommodate the proposed use. The site is fairly inaccessible and without excessive signage, which would be inappropriate, it is likely that users who were not local would struggle to find the site. However it is not considered that based on the proposed use, storage of 4 jet skis, so 3 additional uses at any one time would actually

cause a severe impact on the highway network to warrant a refusal of the application.

No information has been submitted in relation to how the container would be delivered; other than it would be craned into position has been submitted. The access is limited and a large vehicle may struggle to access the site and would likely cause significant disruption to beach users albeit for a limited period.

Other matters:

Advertisement consent would be required for the display of advertisements (other than those temporary placed such as A boards) at the site. No details of advertisements have been provided and therefore these are not considered under this application. The display of temporary banners or other advertisements would like be considered detrimental to the visual amenity of the area given this is not a commercial area, and unlikely to be considered acceptable.

The site is situated within a Site of Natural Conservation Importance. However given the proposal is to place a storage unit on an existing concrete plinth for a temporary period for a limited use, it has not been considered necessary to request a fully Ecology Impact Assessment. If an application for a permanent build was proposed and the use intensified there would be concerns regarding the impact on the environment.

The applicant has submitted a statement in support of their application stating that the Jet Ski's they propose to use are the 'lightest, most compact and fuel efficient in the industry'. Therefore pollution is not a reason to refuse the application. The planning system would have no control over the use of jet skis in the water generally and therefore it is considered unreasonable that we would refuse permission for a storage unit on the basis of pollution caused.

The applicant also submits that they have carried out their own noise assessment which shows the noise generation is negligible. This cannot be considered as part of the application given it is not carried out by a professional or with any details such as the time of day, background noise levels etc.

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

Conclusion:

For the reasons set out in this report the development of the site is in proposed within are area of the seafront outside of the Developed Coast Zone. The site has limited access and given no buildings on site at the moment will have visual

impacts upon the long and short range views of the site, it is considered that a temporary permission would allow for further consideration/evaluation of the issues after the business viability has been tested.

Recommendation: Grant temporary planning permission for the following reasons:

1. Commence within 12 month and removed within the 12months of first being brought to the site
2. No amplified music
3. Open 10:00 -20:00
4. No more than 4 jet skis at any one time
5. Shall only be used for the storage of jet skis connected with the business applied for and for no other storage purpose.
6. No retail from the site
7. Proposed colour as specified on the proposed drawings
8. No external lighting
9. No awnings external paraphernalia including decking, BBQ's

Appeal:

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations**.